Appln No.: 10/736,436
Filing Date: 12/15/2003
Atty Docket No.: 324559

Applicant(s): LI, *et al.*
Examiner: KHOSHNOODI, FARIBORZ
Group Art Unit: 2164

Remarks

This communication is responsive to the Final Office Action of December 18, 2008. Reexamination and reconsideration of the claims is respectfully requested. **An Examiner Interview is also requested.** Applicant respectfully requests that the Supervising Examiner also be present at the Examiner Interview. The agenda for the Examiner Interview includes three things. First, to make clear the difference between the two types of portals. Second, to make clear that the claimed portal is provided in response to a request presented to a content engine while the reference portal responds to requests and is not provided in response to a request. Third, to discuss the authority for the "not tied to a particular machine" objection. Applicant's representative J.T. Kalnay can be reached at (216) 308-3245.

Summary of The Office Action

Claims 1, 12, and 21, and their dependant claims, were objected to because the claimed method/process is not tied to a particular machine. No authority was provided for this objection.

Claims 1, 3-20, and 22 were rejected under 35 USC §103(a) as purportedly being unpatentable over Hefetz et al. (United States Patent Publication No. 20040123238 A1)(Hefetz) in view of Kniest (United States Patent Publication No. 2002/0156864 A1)(Kniest). **In Hefetz, the portal receives requests. In the claims, the content engine receives a request for a portal.** These are fundamentally different things, and one does not teach the other.

Claim 2 was rejected under 35 USC §103(a) as purportedly being unpatentable over Hefetz in view of Kniest as applied to claims 1, 3-20 and 22 and further in view of Anuszczyk et al. (United States Patent Publication No. 2003/0110253 A1)(Anuszczyk).

Claim 21 was rejected under 35 USC §103(a) as purportedly being unpatentable over Hefetz in view of Kniest and further in view of Bryan et al. (United States Patent Publication No. 2002/0146015 A1)(Bryan).

Response

In the claims, the content engine receives a request for a portal.

In Hefetz, the portal receives requests.

A portal that receives requests does not make obvious a content engine that receives a request for a portal. This fundamental error is explained in great detail below.

The claims concern an information portal in a content distributed network.

In Hefetz, the portal is an application portal in a network of applications.

An application portal does not make obvious an information portal.

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Claim Objection

Claims 1, 12, 21, and their dependant claims were objected to because the claimed method/process is not tied to a particular machine. First, the claims are clearly tied to a content engine. Second, there is no "tied to a particular machine" requirement in United States Patent Law. Applicant respectfully requests that the Examiner provide some authority (e.g., MPEP citation, case law citation) for this objection. Since no such authority can be provided, Applicant respectfully requests that these objections be withdrawn.

Perhaps the Examiner is attempting to incorrectly apply the two part Bilski test? In this case, Applicant asserts that the claims satisfy both prongs of the test. The claims are all tied to a particular machine (e.g., content engine) and all produce a physical transformation of matter by providing a portal page to a client system.

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The Claims Patentably Distinguish Over The References

Claims 1, 3-20, and 22 were rejected under 35 USC 103(a) as purportedly being unpatentable over Hefetz in view of Kniest. There are three fundamental flaws in the Examiner's reasoning:

1. The "portal" in Hefetz is an application portal not an information portal in a content distributed network.

2. The "portal" in Hefetz accepts requests, the claimed portal is provided in response to a request.

3. Hefetz deals with distributed applications not a content distributed network.

The "portal" in Hefetz is an application portal.

The claimed portal is a content distributed network information portal.

The "portal" in Hefetz is described in paragraph [0003], which reads, "A portal brings together various applications from an intranet and an extranet that may or may not be related to one another." Hefetz concerns itself with how to lay out an application portal. While interesting and useful, this type of "portal" is irrelevant to the claimed portal.

The claimed portal is a portal to cached information. The claimed portal initially resides in a content engine. A content engine is a computer that caches content in a content distributed network. The claimed portal is then dynamically configured based on information that is currently cached in the content engine and that is available to the content engine. Configuring the portal includes listing information that is available at the content engine and providing information about what is not available at the content engine. The claimed portal is then provided to a client system.

The claimed portal provides information about what content is and isn't available at a content engine. The "portal" in Hefetz does no such thing, instead it provides access to applications. The claimed portal is described on at least page 3, paragraph 9, which reads, "users logged onto client systems access the content of the CDN [content distributed network] through a portal page ... running on the browser programs at the client systems."

This makes clear that **there are two computers involved**. There is a client system running a browser. There is a content engine that is storing content. The client systems asks the content engine for a portal page. The portal page is built and sent to the client system. The browser can then use the portal page. The portal page tells the client system what content is available at the content engine and maybe elsewhere as well. A user at the client system can then make an intelligent decision about what content to view. The "portal" in Hefetz does none of this.

The claimed portal is a "dynamic portal with content distributed network content availability and user locality." Page 3-4, paragraph 9. The claimed portal "includes links to content at the content engine and provides availability information about CDN content that is not currently stored at the content engine." The "portal" in Hefetz does none of this because the "portal" in Hefetz is an application portal, not a content distributed network portal.

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The "portal" in Hefetz accepts requests.

The claimed portal is provided in response to a request.

Not only does the Examiner rely on the wrong type of portal, but the Examiner completely ignores that the two portals operate in completely different ways. In Hefetz, the portal itself responds to requests. In the claims, a client system requests a portal, and a portal is provided to the client system. These are two completely different things. Said another way:

In Hefetz, the portal receives requests.

In the claims, the content engine receives a request for a portal.

Hefetz [0033] describes how "the portal 220 receives requests from the clients 200". The claims recite "receiving a request for the portal from the client system." These are two completely different things.

A portal that receives requests does not make obvious a content engine receiving a request for a portal.

The Final Office Action asserts that "Hefetz teaches a system that allows the portal receives requests from clients." Yes, Hefetz teaches a system where a portal receives requests from clients. But that's not what is claimed. What is claimed is a content engine receiving a request for a portal. The content engine receives a request from a client system. The request causes the content engine to build a portal page and to transmit the portal page to the client system. None of this happens in Hefetz. Instead, in Hefetz, a portal receives a request, and the portal does something. These are completely different things.

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Hefetz deals with distributed applications not a content distributed network.

The Office Action asserts that "Applicant contends that Hefetz fail to teach of suggest, 'distributed network' as recited in claim 1." This is incorrect. The Applicant asserts that Hefetz fails to teach a "content distributed network." Applicant respectfully requests that each word in the claims be considered and that the rejections be based on what is actually in the claim. A content distributed network is different from the distributed application network in Hefetz. Since the content distributed network is different, a portal page that describes content stored in a content engine is different from an application portal page described in Hefetz. The network in Hefetz has no content engine and thus cannot possibly teach receiving a request from a client at the content engine. Since Hefetz has no distributed content, Hefetz cannot possibly teach providing a portal page to a client system, where the portal page describes the cached content. For at least this reason none of the claims are obvious over Hefetz and the other references.

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35 U.S.C. §103

The arguments made in response to the first office action are repeated and augmented below to respond to the Examiner's responses.

To establish a prima facie case of 35 U.S.C. §103 obviousness, basic criteria must be met. The prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143.(A) Section 2131 of the MPEP recites how "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). This same standard applies to 103 rejections as evidenced by Section 2143(A) of the MPEP, which reads: "The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements** were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions".

Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where Applicant's invention is recreated from references using the Application as a blueprint.

Here, the criteria for establishing a prima facie case of obviousness are not satisfied since the combination of references does not teach or suggest all the claim limitations. None of the references, alone and/or in combination, teach anything to do with a portal associated with a content distributed network. Therefore, none of the references, alone and/or in combination, teach making a request for a dynamic portal associated with a content distributed network. Since no request is made for a dynamic portal associated with a content distributed

network, no dynamic portal is generated and no dynamic portal is provided. Thus, none of the claims are obvious for at least this reason.

Claim 1 recites a method performed in a content engine. Hefetz is not performed in a content engine. Claim 1 was rejected over Hefetz and Kniest. Neither reference concerns a content engine. Claim 1 recites that the content engine will dynamically provide a portal in a content distributed network. Neither reference concerns a content distributed network. Hefetz describes creating a portal. However, the portal in Hefetz is not a portal associated with a content distributed network.

"Portal", as used in Hefetz, refers to a collection point for several enterprise applications. Consider Hefetz [0003], which reads: "A portal brings together various applications from an intranet and an extranet that may or may not be related to one another." Thus, Hefetz is referring to a collection point for a set of applications, not a dynamic portal page as claimed and described. The portal as claimed and described refers to "a dynamic portal page including information about both data cached and data pre-positioned at a content engine connected to the network and about data availability at the content engine." (page 3, [0008])

The Examiner's Response to Arguments insists that Hefetz "teaches a system that utilizes a run-time and design-time translator which acts as a content engine". Page 14, paragraph 9. This illustrates that the Office Action does not understand what a content engine is in the context of the claims. A "content engine" is described on at least page 1, paragraph 1, of the application as filed. "A content distributed network (CDN) enables web content from an origin server to be distributed to caching servers at various locations ... the caching servers are also called content engines." So, a content engine stores information received from an origin server. The portal in Hefetz does not cache information received from an origin server, but rather provides a path through which a client system can run

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applications located somewhere else on a network. These are different things and one does not make the other obvious.

The Office Action asserts that "the run-time and design-time translator" is a "content engine." This is incorrect. The run-time and design-time translator are not a content engine. The run-time and design-time translator, as described in [0011] of Hefetz are used for "selectively interpreting the portal page template." This is unrelated to a content engine that caches information from an origin server. Thus, this claim and all the independent claims are not obvious for at least this reason.

Claim 1 recites "receiving a request for the portal from a client system." The Hefetz portal is a location to which requests are made. The claimed portal is something that is requested. In claim 1, a request is made for a portal (e.g., dynamic web page), and that page is populated and provided to the requester. In Hefetz, a request is made to a portal application that is an access point for several applications. Consider Hefetz [0033], which reads: "**The portal 220 receives requests** from the clients 200". Clearly a request is not being made **for** a portal as claimed, but rather a request is being sent **to** a portal. This helps understand the difference between the claimed portal and the portal in the reference. Since the reference does not teach receiving a request for a portal, but rather teaches a portal receiving a request, the claims are not made obvious by the references. Therefore, for at least this reason, the claim and all the claims are not obvious over the combination of references.

Claim 1 also recites "inserting into the ... dynamic portion of the portal template ... links to content cached in the content engine." Since neither reference concerns a content engine in a content distributed network, it follows that neither reference says anything about adding a link to a portal that is going to be provided to a client system, where the link connects to content cached in the content engine.

The Office Action admits that Hefetz does not teach adding links to content cached in a content engine. Thus the Office Action relies on Kniest to provide the missing link. However, the paragraph relied on in Kniest teaches nothing about adding a link to content cached in a content engine. The cited paragraph [306] is a difficult to understand sentence that reads: "**Cache Forward Engine Gathers Information in Advance Uses Currently Viewed Content for Links to Other Web Sites.**" This difficult to parse sentence clearly does not teach "inserting ... links to content cached in the content engine." It says nothing about inserting a link into a portal page, it says nothing about a content engine, and it says nothing about content cached at a content engine. For at least this additional reason this claim is not obvious and is in condition for allowance.

Claim 1 also recites "inserting into the ... dynamic portion of the portal template ... information about content availability". The Office Action asserts that [28] of Hefetz teaches inserting information about content availability into a portal template. It does no such thing. The cited paragraph describes putting placeholders into an application portal. A placeholder is not information about content availability. A placeholder has nothing to do with content availability in a content distributed network. The cited placeholders are merely related to application portal design, not to identifying content availability in a content engine associated with a content distributed network. For at least this additional reason this claim is not obvious and is in condition for allowance.

Since claim 1 has been shown to be not obvious, accordingly claims 3-11, which depend therefrom, are similarly not obvious and are in condition for allowance. Additionally, since all the independent claims recite similar elements and limitations, none of the other claims are obvious over Hefetz and Kniest.

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Claim 12

This claim is similar to claim 1. However, instead of dynamically providing a portal in a content distributed network, the claim provides a portal to a channel in a content distributed network. Thus the claim includes receiving a request for the channel portal, accessing a channel portal template, adding information to the channel portal, and providing the channel portal page to the requesting client. Since none of the references deal with a content engine and a content distributed network, it follows that none of the references take the additional actions associated with a portal to a channel in a content distributed network. For at least this reason this claim is not obvious and is in condition for allowance. Accordingly, claims 13-14, which depend therefrom, are similarly not obvious and are in condition for allowance.

Claim 15

This claim recites "a content engine" that "dynamically provides a portal". The portal is provided in a "content distributed network." As described above, none of the references concern a content engine or content distributed network. Hefetz describes a "selectively interpreted portal page layout template." (Title) This selectively interpreted page layout template is used to develop an interface to an application that serves as an access point to "various applications from an intranet and an extranet that may or may not be related to one another." ([0003]. This type of "portal" is not a portal associated with a content engine in a content distributed network. Thus the Hefetz portal does not teach the claimed content engine.

Since Hefetz is not concerned with a content engine, it follows that Hefetz does not teach the claimed content engine controller that includes into the dynamic portal links to content cached in the content information. It also follows that Hefetz does not teach the claimed content engine controller that inserts into the dynamic portal information about content availability. For at least these reasons this claim is not obvious over the combination of references and is in condition for allowance.

Accordingly, claims 16-21 are similarly not obvious and are in condition for allowance.

Claim 22

This claim is a Beauregard claim that mirrors claim 1. Therefore this claim is not obvious for at least the reasons described above in association with claim 1.

Claim 2

This claim was rejected as being obvious over Hefetz, Kniest, and Anuszcyzk. Claim 2 depends from claim 1 and therefore is not obvious for at least the same reasons. Additionally, claim 2 recites inserting additional information to the portal page that is not created by the references. The additional information includes "a list of files that remain to be downloaded to the portal page with an indicator of unavailability." This additional information is gathered in response to comparing a replication status to a catalog of files in the content engine to determine what has been downloaded and what still needs to be downloaded. Since Hefetz does not concern a content engine, but rather concerns an interface to a set of applications, Hefetz does not teach figuring out what content is missing in the content engine. Neither of the other references remedy this deficiency. For at least this additional reason this claim is not obvious and is in condition for allowance.

The Office Action asserts that "writing the list of files that remain to be downloaded to the portal page with an indicator of unavailability" is taught in paragraph [0045] of Hefetz. Line by line analysis of this paragraph yields no such teaching. The rest of the reference is similarly void of any such teaching. The table below performs the line by line analysis.

Sentence	Teaches Writing Files To Be Downloaded To

	Content Engine?
The portal development tool 400 can be used to create and show the relations between different content components, including how they relate to the applications that provide the dynamic content.	No.
For example, a portal developer may create a template with two iViews, a first iView on the left in a narrow column with a list of items to select, and a second iView on the right in a wide column with details of a current item selected in the list.	No.
The portal developer can readily select which components to place on a page, set permissions and/or attributes for user-specific personalization, specify the layouts of multiple portal pages by defining the portal templates in the GUI that presents visual representations of the portal pages to be generated at run-time using the templates, and set the structure of the content components in the templates.	No.

This paragraph is completely silent about writing anything concerning pages to be downloaded. Thus it follows that the paragraph is similarly silent concerning the additional action of providing an indicator of unavailability. For at least this additional reason this claim is not obvious and is in condition for allowance.

Claim 21

This claim concerns a method performed in a content distributed network. The method includes providing a content engine, receiving a request at the content

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engine, using the content engine to access a portal template, using the content engine to manipulate the portal template, and using the content engine to provide the portal template to client system. None of the references concern a content distributed network as claimed and described. Therefore it follows that none of the references teach a content engine. Since no content engine is taught, it follows that the claimed actions performed by the content engine are also not taught. For at least these reasons this claim is not obvious and is in condition for allowance.

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Conclusion

For the reasons set forth above, the claims are now in condition for allowance. An early allowance of the claims is earnestly solicited.

Respectfully submitted,

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